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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/423,155	11/02/1999	PETER HEILAND	H98HEL1149U	6403

7590 09/24/2003

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EXAMINER

LUU, THANH X

ART UNIT

PAPER NUMBER

2878

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/423,155

Applicant(s)

HEILAND, PETER

Examiner

Thanh X Luu

Art Unit

2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43-83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 13, 2002 has been entered.

Claims 43-83 are currently pending.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: deflection coils or actuators or control elements "3". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: "18" and "20" of Figure 8. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the scanner; the control elements arranged in the image processor; the reference object; the internal actuator and internal control element must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 43-83 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It appears that the internal nature of the actuator and control element is new matter. At least from the drawings (see Figure 2), the actuator or control elements (3) are external to the apparatus (1).

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 43-83 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 43, Applicant mentions "an actuator" and "a control element", then further claims "an internal actuator" and "internal control elements." It is unclear how many actuators and control elements are being claimed.

Regarding claim 46, Applicant claims (in claim 43) that the image processor is connected downstream of the image acquirer, then claims (in claim 46) that the image processor is connected upstream of the image acquirer. Such limitations are unclear because they are conflicting.

Regarding claim 48, "the control elements" and "the image processing device" lacks proper antecedent basis.

Regarding claim 52, the claim is dependent from a canceled claim.

Regarding claim 53, "the data" and "the transfer parameters" lacks proper antecedent basis.

Regarding claim 55, it is unclear in its given context how an "image is adapted to scan the object." Further, "the whole image" lacks proper antecedent basis.

Regarding claim 56, "the image centroids" and "this temporal displacement" lacks proper antecedent basis.

Regarding claims 59-61, the claims are dependent from a canceled claim.

Regarding claim 62, Applicant claims conflicting limitations. In claims 43 and 46, the image acquirer, the image processor and at least one sensor are each distinct

elements. Applicant then cannot claim that the image acquirer is actually the at least one sensor. Further, "the temporal displacement" lacks proper antecedent basis.

Regarding claim 63, "the image display" lacks proper antecedent basis.

Regarding claim 64, the claim is dependent from a non-existent claim.

Regarding claim 65, "the image processor" lacks proper antecedent basis.

Regarding claim 67, "the image of the real structure" lacks proper antecedent basis. Further, it is unclear in its given context what a real structure of an object is.

Regarding claim 68, "the interfering ambient influences", "the filter", "the acquired selected section", "the defect signal", "the regulating input" and "the corrected image" lacks proper antecedent basis.

Regarding claim 69, "the actuator" and "the control element" lacks proper antecedent basis.

Regarding claim 70, it is unclear in its given context what "a signal dependent on the analysis is applied as the second signal dependent on the analysis is applied as the second signal" means. Further, "the actuator" and "the control element" lacks proper antecedent basis.

Regarding claim 71, it is unclear how many objects are being claimed as Applicant uses the term "an object." Further, "the whole image" lacks proper antecedent basis.

Regarding claim 72, "successive image" lacks proper antecedent basis.

Regarding claim 74, "the result o the analyzing step" is improper. Further, "the image processor", "the result", "the filter" and "the actuator" lacks proper antecedent basis.

Regarding claim 75, "the whole acquired image" and "the image centroid" lacks proper antecedent basis.

Regarding claim 76, "the actuators" and "the control elements" lacks proper antecedent basis.

Regarding claim 77, "the image" lacks proper antecedent basis.

Regarding claim 79, "the predetermined reference object", "the real structure" and "the image defects" lacks proper antecedent basis.

Regarding claim 80, "the image mode" lacks proper antecedent basis.

Regarding claim 81, "the temporal displacement" lacks proper antecedent basis.

Regarding claim 83, "the predetermined reference object", "the real structure", "the image defects" and "the image mode" lacks proper antecedent basis.

The other claims are indefinite by virtue of their dependency on an indefinite claim.

Conclusion

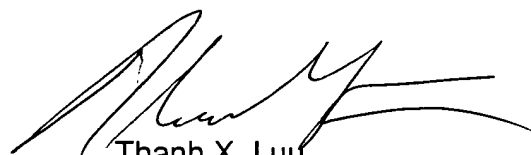
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh X. Luu whose telephone number is (703) 305-0539. The examiner can normally be reached on Monday-Friday from 6:30 AM - 4:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta, can be reached on (703) 308-4852. The fax phone number for the organization where the application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

txl
September 16, 2003



Thanh X. Luu
Patent Examiner